

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
612 - BUSINESS MEETING - MINUTES -May 22, 2014

The minutes of the May 22, 2014 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its next meeting on June 26, 2014

The notice of the May 22, 2014 meeting has been mailed to The Star Ledger, Camden Courier Post, and Trenton Times newspapers and has also been posted on the Bulletin Board at The Office of the Secretary of State Trenton, New Jersey.

The Board meeting of May 22, 2014 was called to order at 9 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Paul N. Bontempo,

Donald Dileo (ABSENT)

Adam J. Sabath (ABSENT)

Board Complement: (9): One (1) Vacancy remains for a Government Representative

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director

Steven Mattia, Government Service Representative

SESSION VISITORS:

None

Pledge of Allegiance to the Flag

Chairman Peter Voros led the Board in the Pledge of Allegiance to the Flag and requested that Members join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES of the April 24, 2014 MTG

A motion was made by Michael Maloney and seconded by Don Dileo to approve the minutes of the April 24, 2014 Meeting. A vote was taken and the motion unanimously passed.

PRESENT BOARD MEMBERS - &- CAPACITIES

*MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~
CHAIRMAN ...*

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN...

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY ...

ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388 ...

JAMES MC MANUS, JR., JOURNEYMAN MEMBER ...

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER....

ADAM J. SABATH ~ PUBLIC MEMBER

Total Board Complement (9):Vacancy/Government Representative

1.) DRUG TEST MONITORING - CONSENT ORDER FILED MARCH 22, 2012
STEVEN B. ZANNE, LMP #10731 - REPORT SUBMITTED MAY 2, 2014

Respondent applied for the reinstatement of his plumbing license which had expired on June 30, 2007 when he had failed to renew within 30 days of expiration. Respondent indicated that he was convicted of a criminal offense. Having reviewed the entire record, including the records provided as to respondent's medical condition, his probation and rehabilitation, the Board determined that Mr Zanne's plumbing license may be reinstated subject to the conditions outlined in this order. Any deviation from the terms of the order will result in immediate suspension of licensure.

Respondent is reprimanded for being convicted of a crime involving moral turpitude and relating adversely to the practice of plumbing in violation of N.J.S.A. 35:1-21(f). His license is reinstated however, subject to the restrictions in this order. Full details are contained in the Filed Order.

On November 21 2013, the Board acknowledged receipt of Mr. Zanne's request to modify the terms of his filed order. The Board proceeded in a motion made by Robert Reeve and seconded by Michael Sestanovich, to move into Executive Closed Session to seek counsel of DAG Donofrio and deliberate on Mr. Zanne's request. The Board returned to Open session this date to report that there are no modifications to this Consent Order at this time. A vote was taken and the motion unanimously passed.

2.) DRUG TEST MONITORING - CONSENT ORDER FILED MARCH 22, 2012
ANIBAL RIVERA, LMP #12992 - REPORT SUBMITTED APRIL 10, 2014
APPEAL DATED APRIL 2, 2014

Respondent applied for examination for a plumbing license and indicated that he had a criminal arrest and conviction history. Having reviewed the entire record of the applicant including his testimony, respondent may sit for the examination for licensure and upon passage of exam, will be granted a license subject to the conditions outlined in filed order. The Board is aware of respondent's lengthy criminal and substance abuse history, and any deviation from the terms of this order will result in immediate suspension of his Master Plumber's license. Such a provision, coupled with restrictions, are adequate to protect the health safety and welfare of the public. Full details are contained in the Filed Order.

On May 22, 2014 A Motion is made to discontinue drug monitoring reports. A motion was made by Robert Reeve and seconded by Mike Maloney. A vote was taken and unanimously passed.

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3.) MONITORING - CONSENT ORDER FILED AUGUST 26, 2009
BRIAN J. HOPKINS, APPLICANT - REPORT SUBMITTED APRIL 5, 2014

This order states in part that the matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of an application for examination for a plumbing license from Brian J. Hopkins ("respondent"). Respondent indicated on his application he had been convicted of criminal offenses. Respondent provided information and documentation concerning his criminal history. Specifically, respondent was arrested on August 31, 2000, in Mount Laurel Township, and charged with theft by unlawful taking. He pled guilty on November 15, 2000 and paid a fine.

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby permitted to sit for the examination for licensure, and upon the Board's receipt of proof of passage of the examination and all other licensure requirements, shall be granted a license subject to the restrictions in this order.
2. Respondent shall abstain from any and all mood altering or intoxicating substances, including, but not limited to alcohol, as well as any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than two (2) days subsequent to the prescription.
3. Respondent shall attend meetings of Alcoholics Anonymous a minimum twice per week, obtain a sponsor, and continue counseling treatment. Prior to examination and subsequent to his licensure, respondent shall provide the

curriculum vitae of his counselor, proof of attendance at Alcoholic Anonymous, as well as progress reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who are participating in respondent's care and/or treatment. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of attendance and counseling progress reports shall be due August 1, 2009 for Alcoholics Anonymous and mental health treatment for the months of May, June and July 2009. The next quarterly proofs shall be due on November 1, 2009 for the months of August, September and October of 2009 and then quarterly thereafter. If respondent discontinues participation with Alcoholics Anonymous or counseling, without first obtaining approval of the Board, he shall be deemed in violation of this order. Any change in counselor shall be reported to

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MONITORING - CONSENT ORDER FILED AUGUST 26, 2009
BRIAN J. HOPKINS, APPLICANT - REPORT SUBMITTED APRIL 5, 2014

the Board within ten (10) days of occurrence including provision of a curriculum vitae of the new counselor for approval. 4. (a) Respondent shall submit to random urine screens a minimum of twice per month.

5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any proceeding regarding licensure.

6. Respondent may seek modification of the terms of this order

7. Respondent hereby consents to the entry of an Order of automatic suspension of

license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or information

that respondent has violated any term of this order or any information which the Board in its discretion deems reliable demonstrating that respondent is not capable of carrying out the functions of a licensee consistent with the public

health, safety or welfare or that respondent has failed to comply with any of the conditions set forth in this consent order.

8. Respondent shall have the right to apply for removal of the automatic suspension

on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of drug or alcohol abuse or other information submitted was false.

4.) MONITORING - CONSENT ORDER FILED SEPTEMBER 26, 2013
THOMAS J. ORLANDO, LMP #12179 - REPORT SUBMITTED APRIL 27,
2014

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of an application for renewal of a plumbing license from Thomas J. Orlando ("respondent"). Respondent received his New Jersey Master Plumber's license on August 17, 2004 and has been licensed at all times relevant hereto. Respondent answered "yes" on his 2013-2015 license renewal application to the question relating to "being arrested, charged, or convicted of any crime or offense since the last renewal." Specifically, respondent was arrested in Monroe Township, New Jersey on June 28, 2012 and charged with Driving Under the Influence (N.J.S.A. 39:4-50) and Use/Under the Influence of a Controlled Dangerous Substance (N.J.S.A. 2C:35-10b).

On June 28, 2012, the police observed respondent's vehicle driving erratically and he

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was pulled over. A Drug Influence Evaluation performed concluded that respondent was "under the influence of a CNS Stimulant and Narcotic Analgesic and unable to operate a vehicle safely." On January 10, 2013, respondent pled guilty in Monroe Township to Driving Under the Influence of Liquor or Drugs (N.J.S.A. 39:4-50). The remaining charges were dismissed. Respondent lost his driving privileges for seven months, paid a fine and completed a 12 hour Intoxicated Driver Resource Class.

On July 25, 2013, respondent appeared at an investigative inquiry into the matter held by the Board. Respondent denied being under the influence of any

illegal drug at the time he was arrested. Respondent claimed he took allergy medication but denied being under the influence of a controlled dangerous substance.

Respondent did admit having a prior history of substance abuse which began at age sixteen. Specifically, respondent used marijuana and snorted heroin and cocaine. He was involved in a methadone program from 1997 thru 1999.

Respondent is not currently involved in any type of recovery program.

Respondent claimed he has been sober for more than two years. However, respondent plead guilty to the aforesaid charges involving use of a CNS stimulant drug and driving under the influence in only a little over a year ago. Having reviewed the entire record, including respondent's testimony during the investigative inquiry, the Board has determined that respondent's license to practice plumbing may be renewed subject to the conditions outlined in this order. The Board is keenly aware of respondent's history and therefore any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision, coupled with the restrictions placed on respondent's license by this order are adequate to protect the health, safety, and welfare of the public, and that good cause exists for entry of this Order.

1. Respondent's license to practice plumbing in the State of New Jersey shall be renewed subject to the restrictions in this Order.
2. Respondent shall abstain from any and all mood altering or intoxicating substances, including, but not limited to, alcohol, as well as any controlled dangerous substance except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists, of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than two (2) days subsequent to the prescription and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

3. Respondent shall submit to a substance abuse evaluation, at his own expense,
with

a program or evaluator pre-approved by the Board. Respondent shall follow all of the evaluator's recommendations for treatment and counseling, including but not limited to, attending support groups, including NA or AA, and urine screen monitoring. Respondent shall fully cooperate in the evaluation process and agree in advance to comply with all recommendations. Respondent shall notify the Board of the evaluator selected so that the Board may forward information from its files to the evaluator prior to the evaluation. Respondent shall supply a waiver of confidentiality to the evaluator and the Board sufficient to permit the evaluator to provide a full report to the Board. Respondent agrees by his signature on this order that the evaluator may communicate all of his/her review and conclusions to the Board both orally and in writing, and that the Board may utilize any information and reports from the evaluator in any licensing proceedings. Upon completion of the evaluation, the evaluator shall forward a full report to the Board, consisting of, but not limited to, the evaluator's conclusions relating to respondent's fitness to practice plumbing, and including any recommendations by the evaluator as to any treatment that may be warranted.

4. Respondent shall engage in treatment with Narcotics Anonymous a minimum
of

one meeting per week. Respondent shall provide proof of attendance at Narcotics Anonymous, as well as reports from each and every mental health professional (including but not limited to psychologists, counselors, therapists, psychiatrists) who are participating in respondent's care and/or treatment. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted monthly proofs of attendance shall be due on November 30, 2013 for the months of August, September and October 2013. The next quarterly proofs shall be due on February 28, 2014 for the months of November and December 2013 and January 2014 and then quarterly thereafter. The quarterly proofs shall be sent to the address outlined in paragraph #2. If respondent discontinues participation with Narcotics Anonymous, without first obtaining approval of the Board, he shall be deemed in violation of this order.

5. (a) Respondent shall submit to random urine screens a minimum of once per month. The urine screen monitoring program, as well as the laboratory facility conducting the urine testing, must be approved by the Board. The Board shall provide respondent with specific directions for the protocol of the testing procedure. All urine screens must be directly observed and respondent shall

comply with additional urine screen procedures and protocols outlined and prescribed by the Board. The urine screen requirement shall continue until further order of the Board expressly reducing or discontinuing testing. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests shall be performed by

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gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The Board may, in its sole discretion modify the frequency of testing or method of testing during the monitoring period.

(b) All test results shall be provided to Rosemarie Baccile, Acting Executive Director of the Board, or the Acting Executive Director's designee in the event the Acting Executive Director is unavailable. The Board retains sole discretion to modify the manner and the extent of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine screen within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Acting Executive Director or the Acting Executive Director's designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g. a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall be deemed dilute and a presumption of a confirmed positive urine test shall arise requiring a confirming test by hair analysis or other appropriate means.

(f) Respondent shall familiarize himself with all foods, food additives, or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for positive urine screen and/or failure to comply with the urine monitoring program.

6. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the substance abuse evaluation.

7. Respondent may seek modification of the terms of this order not sooner than

MONITORING - CONSENT ORDER FILED SEPTEMBER 26, 2013

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THOMAS J. ORLANDO, LMP #12179 - REPORT SUBMITTED APRIL 27, 2014

September 1, 2014. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

(a) Appear before the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation

resulting from any medical condition or the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice.

8. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of information, which the Board in its sole discretion deems reliable, demonstrating that respondent has had a relapse or recurrence of substance abuse, has driven a motor vehicle without restored driving privileges, or an arrest or conviction related to the use of alcohol or other intoxicating substances ,or is

Incapable of carrying out the functions of a licensee consistent with the public health, safety, or welfare or that respondent has failed to comply with any of the conditions set forth in this Consent Order.

9. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a

showing that the evidence of a relapse or recurrence of drug or alcohol abuse, or other information submitted, was false.

5.) CONTINUING EDUCATION - 2015-2017 BIENNIAL (5) HOUR
REQUIREMENT

CONTINUING EDUCATION SPONSORS

REQUEST FOR PERMISSION TO SCHEDULE FOR 2015-2017 BIENNIAL
CYCLE "EARLY BIRD" SEMINARS

GLORIA GLYNN, OFFICE MANAGER, MASTER PLUMBERS
EDUCATIONAL SERVICE OF NEW JERSEY_ TABLE

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6.) CONTINUING EDUCATION - 2015-2017 BIENNIAL (5) HOUR
REQUIREMENT

CONTINUING EDUCATION SPONSORS TABLE

LOIS D' APUZZO, THE INSTITUTE FOR CONTINUING EDUCATION

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7.) PLUMBING VETERAN EDUCATION - FOR DISCUSSION WITH THE
BOARD

EMAIL FROM: CHARLES MANNING - MAY 12, 2014

On May 22, 2014 A motion to approve continuing ed requirements was made by Paul Bontempo and seconded by Jim Mcmanus. A vote was taken and unanimously passed.

8.) JEFF S. GELBEIN, LMP #9835
RESPONSE TO ORDER OF SUMMARY DATED APRIL 30, 2014

ADMINISTRATIVE ACTION
ORDER OF SUMMARY SUSPENSION FILED 6-28-2012
JEFF S. GELBEIN, LMP # 9835

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE
STATE OF NEW JERSEY

Respondent's license is suspended without a hearing and upon any request for reinstatement, he is required to appear before the Board to demonstrate his fitness to resume practice and provide information concerning the complaints from the Township of Bernards Construction Officials. Those complaints state that respondent attempted to submit a falsified chimney certification, and he was later issued a violation by that town. Both Bernards Township and the Board have been unsuccessful in locating Gelbein. He shall also provide a response regarding his activities from the date of his lapsed license (June 30, 2011) until the date of his appearance. He shall surrender his pressure seal to a Board representative. A penalty is not associated with this suspension.

On May 22, 2014 A motion was made to bring to June meeting for Investigative Inquiry. A motion was made by Robert Reeve and seconded by Mike Sestanovich. A vote was taken and unanimously passed.

9.) EMAIL FROM: CHARLES J. COLLINS, JR. / ARCHITECTS
DATED: MAY 13, 2014
QUESTIONING BIDDING PROCEDURES

On May 22, 2014 A motion was made to Send a letter explaining the Bonafide Representative requirements. A motion was made by Robert Reeve and seconded by Mike Maloney. A vote was taken and unanimously passed.

◆ *It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each business meeting.*

Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Robert Reeve to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act. A vote was taken and the motion unanimously passed.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. The next meeting is scheduled for **June 26, 2014** at 9:00 am.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director